IN THE HIGH COURT OF JUDICATURE,

ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY FIRST DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

and
THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 23605 of 2004

Between:

P. Venkat Goud S/o Laxmaiah R/o C/o G. Krishnaiah Goud Yedutla VIllage, Gopalpet Mandal, Mahabubnagar District.

..... PETITIONER

AND

1. The Director of Animal Husbandry, Andhra Pradesh, Hyderabad.
2. The Joint Director of Animal Husbandry, Mahabubnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Certiorari or any other appropriate Writ or order or direction, calling for the records relating to the order dt 11-11-2004 in O.A. No. 6185/2004 of the Andhra Pradesh Administrative Tribunal, Hyderabad, and quashing the said order, holding the same as erroneous and illegal, and consequently direct the2nd respondent herein to send call letter to the petitioner as departmental candidate for interview for the post of veterinary Assistant in the Animal Husbandry Department under the Control of the 2nd respondent which will take place in the 3rd week of December, 2004, or any other subsequent date and on his being selected for the same to send him for training along with the other selected candidates, and pass such other order or orders.

Counsel for the Petitioner: MR. KUSURI SATYANARAYANA.

Counsel for the Respondents: GP FOR ANIMAL HUSBANDARY.

The Court at the stage of admission made the following :

THE HON'BLE SRI JUSTICE J.CHELAMESWAR

AND

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.NO.23605 OF 2004

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

Aggrieved by an order in O.A.No.6185 of 2004 dated 11-11-2004, the unsuccessful applicant therein preferred the writ petition.

The case of the petitioner is that the respondents appointed him as Veterinary Assistant in one of the posts of "50%" quota earmarked for departmental candidates. By the impugned order the Tribunal dismissed the application. No Rule which earmarks 50% quota in favour of service candidates in the matter of appointment to the post of Veterinary Assistant is placed before this Court. In the circumstances, the very assertion that there is quota in favour of in service candidates is without any basis. The question as to whether an employee such as the petitioner is an in-service candidate or not, is another matter, which cannot be decided, at any rate, in the absence of any specific rule or reservation in favour of the in-service candidate and therefore, an enquiry is not required.

The writ petition is without merit and is accordingly dismissed at the stage of admission. No Costs.

J.Chelameswar, J

Gopala Krishna Tamada, J

21-12-2004.

mrk

To

1. The Director of Animal Husbandry, Andhra Pradesh, Hyderabad.
2. The Joint Director of Animal Husbandry, Mahabubnagar.
3. The Registrar, A.P.Administrative Tribunal, Hyderabad.
4. Two CCs to the G.P. for Animal Husbandry, High Court of A.P., Hyderabad (OUT).
5. Two CD copies.